

S.B. 90 - Senator Doggett
S.B. 169 - Senator Patman

MEMORIAL RESOLUTION

S.R. 148 - By Senator Snelson: Memorial resolution for Bob Milburn.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:22 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 10, 1975.

SIXTEENTH DAY

(Monday, February 10, 1975)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, and Williams.

A quorum was announced present.

The Reverend Freddie Dixon, Wesley United Methodist Church, Austin, Texas, offered an invocation-meditation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of Thursday, February 6, 1975, was dispensed with and the Journal was approved.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

By Senators Meier and Andujar:

S.B. 233, A bill to be entitled An Act relating to the powers and duties of certain counties with respect to urban renewal; adding Subsection (x) to Section 4 and amending Section 5, Urban Renewal Law, as amended (Article 12691-3, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations (Submitted by Governor as an emergency)

By Senator Santiesteban:

S.B. 263, A bill to be entitled An Act relating to the taxation of the sale and service of alcoholic beverages by certain permittees; amending Subsections (b), (c), (h), and (k), and repealing Subsections (d), (e), (f), (i), and (j), Section 20d, Article I, Texas Liquor Control Act, as added (Article 666-20d, Vernon's Texas Penal Code); amending Section (W) and adding Section (V), Article 20.01, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended; repealing subsections (4) and (5), Section (D), Article 20.04, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Farabee:

S.B. 264, A bill to be entitled An Act authorizing the Board of Regents of Midwestern University to sell and convey certain land in Wichita County; providing that the proceeds from the sale shall be part of the Plant Funds of Midwestern University and appropriating the proceeds for that purpose; and declaring an emergency.

To Committee on State Affairs.

By Senator Brooks:

S.B. 265, A bill to be entitled An Act amending Section 13.904 of the Texas Education Code; providing certain types of leave for persons employed in public free schools of Texas; and declaring an emergency.

To Committee on Education.

By Senators Hance and Andujar:

S.B. 266, A bill to be entitled An Act amending Title 1 of the Family Code as follows: amending Subsection (c), Section 1.05, as amended, relating to application for a marriage license without a personal appearance before the clerk; amending Subsection (a), Section 1.07, as amended, relating to issuance of a marriage license; amending Section 1.51, as amended, relating to age requirements for marriage; amending Subsection (a), Section 1.52, as amended, relating to parental consent for underage applicants for marriage; amending Section 1.53, relating to a court order granting an underage applicant permission to marry; adding Section 1.86, relating to duplicate marriage licenses; amending Subsections (a) and (b), Section 2.41, as amended, relating to voidable marriages because of age; adding Section 3.521, relating to citation by publication in a suit for divorce or the annulment of a marriage; amending Section 3.54, as amended, relating to the counseling of parties to a divorce action; and amending Section 3.61, relating to jury trial in a suit for divorce or annulment; repealing Section 5.23, Family Code, relating to the earnings of an unemancipated minor; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Brooks:

S.B. 267, A bill to be entitled An Act relating to technical-vocational education; amending Sections 31.02, 31.12, and 31.33, Texas Education Code, and adding Subdivisions (8) and (9) to Section 31.03 and Subsection (d) to Section 31.39; and declaring an emergency.

To Committee on Education.

By Senator Brooks:

S.B. 268, A bill to be entitled An Act relating to the creation of a Pressure Vessel Division in the Texas Department of Labor and Standards and the Advisory Board of Pressure Vessel Rules and defining their duties and responsibilities; requiring that certain pressure vessels meet certain standards; providing penalties; and declaring an emergency.

To Committee on State Affairs.

By Senator Williams:

S.B. 269, A bill to be entitled An Act relating to certain lump sum payments to firemen and policemen on termination of service; amending Section 26(b), Chapter 325, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 1269m, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Doggett:

S.B. 270, A bill to be entitled An Act relating to an exception as to exclusion or modification of warranties, etc., in sales of consumer goods or services by adding Section 2-316A to Chapter 2 of the Business and Commerce Code; amending Section 2-318 of Chapter 2 of the Business and Commerce Code; and declaring an emergency.

To Committee on Human Resources.

By Senator Doggett:

S.B. 271, A bill to be entitled An Act prohibiting discrimination in employment practices against handicapped persons under certain conditions; amending Chapter 416, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4419c, Vernon's Texas Civil Statutes), by adding Subsection (a)(4) to Section 2; and by adding Subsection (f) to Section 3; and declaring an emergency.

To Committee on Human Resources.

By Senators Doggett and Ogg:

S.B. 272, A bill to be entitled An Act relating to the construction of buildings open to the public to make them accessible to certain handicapped persons; amending Chapter 324, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 678g, Vernon's Texas Civil Statutes), by amending Subsection (a) of Section 2, by amending Section 2 by adding Subsection (d), by amending Subsection (b) of Section 20, and by repealing Subsection (f) of Section 20; and declaring an emergency.

To Committee on Human Resources.

By Senator Schwartz:

S.B. 273, A bill to be entitled An Act relating to security of a depository serving a water control and improvement district; amending Subsection (b), Section 51.356, Water Code; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Schwartz:

S.B. 274, A bill to be entitled An Act relating to workmen's compensation coverage for employees of political subdivisions; amending Article 8309h, Revised Civil Statutes of Texas, 1925, by adding Sections 9 and 10; and declaring an emergency.

To Committee on Jurisprudence.

By Senator McKinnon:

S.B. 275, A bill to be entitled An Act relating to the disposition of funds collected or received by certain state agencies; making an appropriation; and declaring an emergency.

To Committee on Finance.

By Senators Kothmann, Lombardino and Traeger:

S.B. 276, A bill to be entitled An Act relating to the establishment and operation of a state school for the mentally retarded at the San Antonio Chest Hospital; and declaring an emergency.

To Committee on State Affairs.

By Senator Snelson:

S.B. 277, A bill to be entitled An Act granting the authority to the Texas Youth Council to assist local communities with services and funding of programs for pre-delinquent and delinquent children; permitting the Texas Youth Council to promulgate rules and regulations concerning such services and funding; amending Section 6, Article 5143d, V.A.C.S.; and declaring an emergency.

To Committee on Human Resources.

By Senators Snelson and Hance:

S.B. 278, A bill to be entitled An Act relating to the increase of membership on the Texas Youth Council; amending Subsections (a), (b) and (d), Section 4, and Subsection (e), Section 5, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957 (Article 5143d, Vernon's Texas Civil Statutes); providing an effective date; and declaring an emergency.

To Committee on Human Resources.

By Senator Snelson:

S.B. 279, A bill to be entitled An Act authorizing the Texas Youth Council to expend certain appropriated funds for community-based, alternate care programs and to extend the Halfway House program to children other than delinquents; and declaring an emergency.

To Committee on Finance.

By Senator Clower:

S.B. 280, A bill to be entitled An Act relating to class actions against unlawful trade practices; amending Subsection (a), Section 17.51, Business & Commerce Code, as added; and declaring an emergency.

To Committee on Human Resources.

By Senator Clower:

S.B. 281, A bill to be entitled An Act relating to absentee voting; amending Section 37, Texas Election Code (Article 5.05, Vernon's Texas Election Code), as follows: amending Subdivision 2, as amended, to remove the requirement for a certificate of sickness or physical disability when voting absentee on that ground; adding Subdivision 14b, to require deputy clerks for absentee voting to be sent to hospitals, nursing homes, and similar institutions under certain circumstances; and repealing Subdivision 2d, relating to certificates of permanent disability; and declaring an emergency.

To Committee on State Affairs.

By Senator Longoria:

S.B. 282, A bill to be entitled An Act relating to assessment of the period of probation by the jury; amending Sections 3 and 3a, Article 42.12, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

To Committee on Jurisprudence.

By Senator McKinnon:

S.B. 283, A bill to be entitled An Act relating to the dissolution of the Nueces County Fresh Water Supply District No. 1 of Nueces County; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Traeger:

S.B. 284, A bill to be entitled An Act relating to the creation of the County Court at Law of Webb County; making other provisions relative to the court; relating to the jurisdiction of the County Court of Webb County; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Santiesteban:

S.B. 285, A bill to be entitled An Act authorizing guards and messengers of banks, armored car companies, and financial institutions to carry certain weapons when handling money and valuables; amending Section 46.03, Penal Code; and declaring an emergency.

To Committee on Jurisprudence.

By Senator McKinnon:

S.J.R. 30, Proposing an amendment to Article IV, Section 11, of the Texas Constitution, as amended, to increase the membership of the Board of Pardons and Paroles.

To Committee on Texas Constitution.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.J.R. 3

S.B. 50 (Signed subject to the provisions of Article III, Sec 49a of the Constitution of Texas)

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, February 10, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 6, Proposing an amendment to Article III, Section 24, of the Texas Constitution, as amended, relating to legislative compensation.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
February 10, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Members of the State Commission for the Deaf: For a six-year term to expire January 31, 1981: Dr. Audrey Wayne Kelton of Port Lavaca, Calhoun County is being reappointed; Mrs. Shirley A. Pacetti of Houston, Harris County is being reappointed.

For a six-year term to expire January 31, 1977: Dr. Gerald E. Mann of Austin, Travis County is replacing Mr. Ralph H. White of Austin, Travis County who resigned.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Sabine River Authority of Texas: For a six-year term to expire July 6, 1975: Mr. Benjamin B. Pegues of Mineola, Wood County is replacing Mr. Tom R. Pegues of Mineola, Wood County who is deceased.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas Conservation Foundation: For a six-year term to expire January 31, 1981: Mr. Jim DeWitt Bowmer of Killeen, Bell County is replacing Mr. Ralph Churchill of Dallas, Dallas County whose term expired; Mr. Gordon Russell Wynne, Jr. of Wills Point, Van Zandt County is replacing Mr. William James Hendrickson of Wichita Falls, Wichita County whose term expired; Mr. James Ralph Meadows of Columbus, Colorado County is replacing Mr. Raiford Stripling of San Augustine, San Augustine County whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read the first time and referred to the Committees indicated:

H.J.R. 6, To Committee on Texas Constitution.

SENATE BILL 48 ON SECOND READING

Senator Mauzy moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 48** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The President laid before the Senate on its second reading and passed to engrossment:

S.B. 48, A bill to be entitled An Act relating to the definition of goods, services, and consumer; relating to the regulation of deceptive and unlawful trade practices; defenses to class action lawsuits; amending Subdivisions (1), (2), and (4), Section 17.45, and Subdivisions (1) and (2), Section 17.54, Subchapter E, Chapter 17, Business and Commerce Code; and declaring an emergency.

The bill was read second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend Sec. 1, Sub-section (1), by deleting the word "final".
Amend Sec. 1, Sub-section (2), by deleting the word "final".

The Committee Amendment was read and was adopted by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: McKinnon, Meier and Snelson.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 48 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 48** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Williams.

Nays: McKnight, Moore and Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

MOTION TO PLACE SENATE BILL 80 ON SECOND READING

Senator Williams moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 80** be taken up for consideration at this time.

Pending discussion to suspend the rules, Senator Traeger occupied the Chair.

(President in the Chair)

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving four-fifths vote of the Members of the Senate)

Yeas: Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, McKinnon, McKnight, Ogg, Patman, Santiesteban, Schwartz, Sherman, Traeger and Williams.

Nays: Adams, Aikin, Andujar, Creighton, Farabee, Harris, Jones, Mauzy, Meier, Mengden, Moore and Snelson.

SENATE CONCURRENT RESOLUTION 23

Senator Sherman offered the following resolution:

S.C.R. 23, Memorializing the Texas Delegation to the 94th Congress of the United States of America regarding energy policy.

WHEREAS, The State of Texas, the third most populous state in the nation, consumes significantly more energy than any other state in the nation and has a resulting social and economic dependence on the availability of energy at reasonable prices; and

WHEREAS, The State of Texas has approximately two hundred thousand (200,000) citizens employed directly in the oil and gas production, refining, and petrochemical industries and has a resulting economic dependence on the health of these industries; and

WHEREAS, The State of Texas has allowed and encouraged the development of its natural resources for the benefit of the entire nation so that the state presently accounts for over a third of the nation's domestic production of oil and gas, forty (40) percent of the nation's petrochemical production, and twenty-seven (27) percent of the nation's refinery capacity and the state has borne the environmental burden of this monumental effort; and

WHEREAS, Present federal policies hamper the energy industries by controlling prices and regulating the supply of crude oil and natural gas and harm the interests of the citizens of Texas by allocating scarce resources to other areas unwilling to accept the environmental burdens of production and refining at the same time that Texas' consumers are unjustly required to subsidize through higher petroleum product prices the continued consumption of artificially high-priced foreign oil by consumers in other regions; and

WHEREAS, The President's State of the Union Message of 1975 and other proposals for action on energy matters currently before Congress include provisions that would establish further discrimination against the people of Texas; now, therefore, be it

RESOLVED, That the Senate of the 64th Legislature of the State of Texas, the House of Representatives concurring, memorialize the Texas Delegation to the 94th Congress of the United States of America to do the following:

1. To examine fully the impact of all energy-related legislation on the availability, price, and distribution of energy in Texas and on the economy of the state through its employment and taxes;

2. To supervise closely the administrative agencies implementing energy policy through regulation in order to ascertain the benefits and the detriments to the citizens of Texas of those regulatory policies so as to ensure that the citizens of Texas receive equal protection and benefit from these policies and to ensure that the citizens of Texas do not continue to bear more than their fair share of the environmental and economic burden of those policies, as is presently the case;

3. To reject any excise taxes on the intrastate sale of natural gas or on the sale of domestic crude oil or its products;

4. To reject any power of the Executive Branch to allocate the higher cost and import fees for foreign crude oil and products away from the consumers in other states and onto the people of Texas;

5. To withhold and withdraw any benefits under any energy allocation scheme, be it through pricing, direct rationing, equalization ticketing, or mandatory allocation from supplier to purchaser, from any state that fails to develop its own natural resources, including coal, oil, natural gas, and hydropower, or that fails to develop, wherever appropriate, petroleum refineries and/or electric generating plants, whether powered by nuclear, geothermal, or coal-based energy, and to bar automatically from receiving allocations of domestic energy supplies any state that impedes or denies permission for exploration and drilling for petroleum in state-controlled waters;

6. To reject the extension of federal regulatory authority over the prices for intrastate sales of natural gas and the federal preemption of the states' authority to regulate the maximum efficient rate of production of energy supplies;

7. To examine the orderly transition to a totally deregulated interstate natural gas market in the best long-run interest of the nation; but, to reject the removal of federal wellhead price regulation of new interstate natural gas sales only because such action would place the consumers and industries of Texas in a dangerous, competitively disadvantageous position since interstate purchasers could average the unregulated prices in with artificially low regulated prices whereas Texas' consumers and industries, which are almost totally dependent on natural gas, would have to pay an artificially high market price for virtually one hundred (100) percent of their supplies; and

8. To remove federal regulation of prices of the sale of domestic crude oil, natural gas liquids, and other petroleum products; and, be it further

RESOLVED, By the Senate of the 64th Legislature of the State of Texas, the House of Representatives, concurring, to respectfully request all state officials to cooperate fully with the Congressional delegation and to supply the members of the delegation with all relevant material regarding the impact of the citizens of Texas of existing and proposed energy policies.

SHERMAN
McKNIGHT

The resolution was read.

Question - Shall the resolution be adopted?

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate: